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June 24, 2013

VIA ECF

Honorable Gary R. Brown
 United States Magistrate Judge
 United States Courthouse
 100 Federal Plaza
 P.O. Box 9014
 Central Islip, New York 11722

Re: Mario Gomez-Cruz et al. v. Panzner Demolition and Contracting Corp., et al.
Case No. 13-CV-766 (LDW) (GRB)

Dear Judge Brown:

We represent Defendants in the above-referenced matter. We write jointly with Plaintiffs' counsel, after consultation with the Honorable District Judge Leonard D. Wexler's law clerk Anne Shields, to request this Court's guidance and assistance in finalizing a Stipulation and Proposed Order Regarding Conditional Certification (the "stipulation") in a Fair Labor Standards Act ("FLSA") matter.

The parties have come to an agreement in principle, to stipulate to Plaintiffs proceeding in this matter as a collective action for the purpose of distributing a notice of pendency with instructions for consenting to join. Although a majority of the stipulated terms have been agreed upon, the parties are at an impasse concerning issues involving the wording, mailing and scope of the proposed notice.

The parties request the Court's assistance in resolving these disagreements. The parties have agreed, subject to the Court's preference and approval, to either submit letter support for their respective positions, or participate in a telephonic or in-person conference, or both. If Your Honor requests letter support, we propose Plaintiffs first submit a letter, to which Defendants have four business days to respond.

Lastly, if the stipulation cannot be finalized, Plaintiffs intend on proceeding to file a motion for conditional certification (for which a briefing schedule has already been approved by Judge Wexler). Given the current briefing schedule, the parties seek to determine whether a stipulation can be finalized, within the next two weeks.



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Thank you for your consideration of this request.

Respectfully submitted,

JACKSONLEWIS LLP

A handwritten signature in black ink, appearing to read "Gerald C. Waters, Jr.". Above the signature, the text "JACKSONLEWIS LLP" is printed in a standard font.

Gerald C. Waters, Jr.

GCW/mjr

cc: David E. Gottlieb, Esq., *Counsel for Plaintiffs* (via ECF & email)
Jonathan M. Kozak, Esq., *Internal*

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